

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

O

MICHAEL DAVID

v.

TDCJ-ID, ET AL.


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C.A. NO. C-04-299

**MEMORANDUM OPINION AND ORDER DISMISSING CLAIMS AND
RETAINING CASE**

On February 28, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 47). A response was timely filed (D.E. 52). Plaintiff filed a response “totally agreeing” with the Magistrate Judge’s memorandum and recommendation. Having reviewed *de novo* the Magistrate Judge’s memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge. Accordingly, defendant's motion to dismiss (D.E. 27) is granted in part and denied in part. Plaintiff’s causes of action against defendants Castillo, Stephens and Dretke are dismissed for failure to state a claim. Plaintiff is allowed to go forward, however, with his request for injunctive relief against defendants Cheatham and Williams.

ORDERED this 31st day of May, 2005.


HAYDEN HEAD
CHIEF JUDGE

